

#3



Docket No. 033449-002

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:
My residence, post office address and citizenship are as stated below next to my name; that
I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the invention entitled:

CONTAINER TRANSPORTATION SYSTEM AND METHOD

claimed, described and

_____ in the attached specification;
 X in the specification filed April 8, 1998,
as U.S. Application Serial No. 09/057,313,
and as amended _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as filed and as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

 X no such applications have been filed.
_____ such applications have been filed as follows:

Prior Foreign Applications(s)			Priority Claimed	
(number)	(Country)	Day/Mo/Yr	Yes	No

I hereby claim the benefit under Title 35, United States Code, §119 of any United States provisional application(s) listed below.

_____ (Application No.)	_____ (Filing Date)
_____ (Application No.)	_____ (Filing Date)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States

application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status
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I appoint

Theodore D. Lienesch	Reg. No. 28,235
Mark P. Levy	Reg. No. 27,922
J. Daniel Lykins	Reg. No. 27,354
David A. Mancino	Reg. No. 39,289

my attorneys with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Address all telephone calls to (937) 443-6958. Address all correspondence to: Thompson Hine & Flory LLP, 2000 Courthouse Plaza N.E., P.O. Box 8801, Dayton, Ohio 45401-8801, Attention: Theodore D. Lienesch.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Full name of sole or first Inventor - John D. McCown

Inventor's Signature

Date: 4/15/98

Residence: 157 East 57th #190, New York, NY 10021

Citizenship: U.S.A.

Post Office Address:

c/o Trailer Bridge, Inc.
10405 New Berlin Road E.
Jacksonville, FL 32226

Full name of second Inventor - Malcom P. McLeon

Inventor's Signature M. P. McLeon

Date: 4/15/98

Residence: 2 East 61st Street, New York, NY 10021

Citizenship: U.S.A.

Post Office Address:

c/o Trailer Bridge, Inc.
10405 New Berlin Road E.
Jacksonville, FL 32226



#3
Docket No.: 033449-002

Applicant or Patentee: McCown et al.
Serial or Patent No. : 09/057,313
Filed or Issued : April 8, 1998
For : CONTAINER TRANSPORTATION SYSTEM AND METHOD

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN

I declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of
the concern identified below:

NAME OF CONCERN: Trailer Bridge, Inc.
ADDRESS OF CONCERN: 10405 New Berlin Road E.
Jacksonville, Florida 32226

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with respect to the invention, entitled CONTAINER TRANSPORTATION SYSTEM AND METHOD by inventors John D. McCown and Malcom P. McLeon in,

- ☐ the specification filed herewith
☒ Application Serial No. 09/057,313, filed April 8, 1998
☐ Patent No. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights

to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).
*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME _____

ADDRESS _____

[]INDIVIDUAL []SMALL BUSINESS CONCERN []NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING:

TITLE OF PERSON OTHER THAN OWNER:

ADDRESS OF PERSON SIGNING:

John D. McCoun

Chairman + CEO

Trailer Bridge, Inc.

10405 New Berlin Road E.

Jacksonville, Florida 32226

SIGNATURE _____

DATE: _____

4/14/98